

October 10, 2017

Dear Chair Menor, Council Members Kobayashi and Martin and the entire Honolulu City Council

I am writing to strongly oppose Bill 83, Bill 87, and Bill 88 on moral and practical grounds.

Is it pono to punish people for being poor and homeless? When asked to make "some slight provision for the poor and destitute," Ebenezer Scrooge asks "Are there no prisons? And the workhouses, are they still in operation? Those who are badly off must go there." We do not live in a Dickensian world where Scrooge's logic is the law of the land. Is it pono then to punish people for being so poor and destitute that they have nowhere to sleep or rest but in public space?

Public space is for the public. Not just for the portion of the public who are deemed "good citizens" or "taxpayers." Historically in the United States, laws regulating public space have excluded people on the basis of race (Jim Crow laws relegating African Americans to a separate and decidedly unequal sphere) and gender (any woman walking unaccompanied after dark is assumed to be a prostitute). The Supreme Court ruled it was unconstitutional to have such status crimes, such as "vagrancy" (for having no fixed abode), which enabled authorities to arrest people simply on the basis of who they were or who they were perceived to be have been found unconstitutional by the Supreme Court. While the letter of the "sit-lie" regulation seems to only focus on the action of sitting or lying down, in reality the exceptions that have been added to the bill make it clear that it is only those who are homeless who will be targeted by this bill. This is a lawsuit in the making.

So-called "compassionate" disruption is Scrooge's logic prettified for the 21st century. Instead of acting with aloha when faced with human needs, we want to force people into such desperate circumstances -- by outlawing their right to sleep, confiscating their belongings and paperwork, making it a misdemeanor to urinate -- that they are stripped of any dignity and banished to a homeless shelter or jail. When you get calls from constituents complaining about the visible existence of homeless people, do you explain, as HPD has had to explain at neighborhood board meetings, that it is not a crime to be homeless? It is not criminal behavior to be poor in public. What is criminal, at least morally, is the fact that the city forfeited over \$2 million of HUD federal funding for affordable low income housing because we did not spend it in time.

We are better than this. City Council should be better than this.

Annie Koh
McCully/Mo'ili'ili (Council District 5)
Honolulu Hawaii

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